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Application Serial No: 10/521,630  
Responsive to the Office Action mailed on: November 27, 2007

**REMARKS**

This Amendment is in response to the Office Action mailed on November 27, 2007. Claims 1 and 7 are amended editorially. Claims 1-12 are pending.

**Claim Objections:**

Claims 1 and 7 are objected to for informalities. In particular, the present Office Action finds the term "variable value" as unclear. Applicants have amended claims 1 and 7 to state "a non-fixed variable value that varies depending on the emitting power of the laser light source" to clarify the meaning of the term "variable value". Withdrawal of this objection is requested.

**§103 Rejections:**

Claims 1, 2, 5-8, 11 and 12 are rejected as being unpatentable over Kaneko (US Patent No. 5,471,449) in view of Ushiyama (US Patent No. 6,842,412). This rejection is traversed.

Claim 1 is directed to a deficiency detecting apparatus that requires, among other features, a deficiency detecting section for comparing a threshold value determined by calculating a non-fixed variable value that varies depending on the emitting power of the laser light source adjusted by a power adjusting section with a value corresponding to reflected light that is the light beam reflected by an information layer of the information medium. Claim 7 is directed to a deficiency detecting apparatus that requires, among other features, an amplification factor determined by calculating a non-fixed variable value that varies depending on the emitting power of the laser light source adjusted by the power adjusting section so as to generate a signal for amplified reflected light amount.

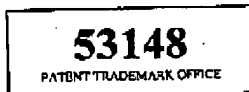
The combination of Kaneko and Ushiyama does not teach or suggest these features. The rejection relies on Figures 5 and 6 of Ushiyama for teaching a threshold value determined by calculating a variable value of the emitting power. However, Ushiyama merely teaches circulating the recording power Pw1 based on a jitter, wherein the jitter of Pw1 is 13% (see column 8, lines 11-29). Nowhere does Ushiyama teach or suggest calculating a threshold value or an amplification factor determined by calculating a non-fixed variable value that varies depending on the emitting power. For at least these

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reasons claims 1 and 7 are not suggested by the combination of Kaneko and Ushiyama.  
Claims 2-5 depend from claim 1 and should be allowed for at least the same reasons.  
Claims 8, 11 and 12 depend from claim 7 and should be allowed for at least the same reasons.

Conclusion:

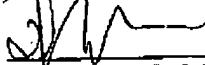
Applicants respectfully assert that claims 1-12 are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



Dated: February 8, 2008

Respectfully submitted,

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